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EXAMINER

NATNAEL, PAULOS M

| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,376

Applicant(s)

FUKUDA, MASAHIRO

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 16, 2004 and Interview of 12/29/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-3, 9-13, 19-20** are **again** rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. U.S. Patent No. **6,288,750**.

Considering claim 1, Yamada et al. discloses the following claimed subject matter, note;

a) a display video generation means for generating a display video signal based on a video signal received together with added information, is met by Decoder 201 Fig.2.

b) an associated information storage means for storing associated information independent from and interchangeable with the added information, is met by ROM 212, which stores the OSD data (So), Additional information (Ss) and broadcast wave information (Sb) received from an outside source as shown in fig.2 and which information clearly and unambiguously would be interchangeable and yet still be

independent since it is received separately from the video stream and its additional information.

c) an information output means for outputting the associated information stored in said associated information storage means and the display video signal generated by said display video generation means while associating them with each other, is met by synthesizer 209, fig.2.

Considering claim 2, the output information control device according to Claim 1, wherein said information output means outputs both the associated information and the display video signal associated with the associated information so that they are synchronized with each other, is met by synthesizer 209, fig.2.

Considering claim 3, the output information control device according to Claim 1, wherein said information output means combines the associated information and the display video signal so as to produce a composite signal;

See rejection of claim 2;

Considering claim 9, the output information control device according to Claim 1, further comprising a communication means for acquiring the associated information to be

Art Unit: 2614

stored in said associated information storage means through bi-directional data communications by way of a communication line, is met by the bus 11.

Considering claim 10, the output information control device according to Claim 1, further comprising a reading means for acquiring the associated information to be stored in said associated information storage means by reading the associated information from a storage medium, is met by CPU 7 .

Regarding claim 11 (a), (b), and (c), see rejection of claim 1 (a), (b) and (c), respectively.

Regarding claim 12, see rejection of claim 2;

Regarding claim 13, see rejection of claim 3;

Regarding claim 19, see rejection of claim 9;

Regarding claim 20, see rejection of claim 10;

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5 and 15** are again rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada, U.S. Patent No. **6,288,750**.

Considering claim **5**, Yamada discloses the following claimed subject matter, note;

a) an added information decoding means for decoding the added information signal so as to generate the added information, is met by Decoder 201, fig.2;

Except for;

b) wherein said information output means selects and outputs at least one from among the added information generated by said added information decoding means and the associated information stored in said associated information storing means;

Regarding b), the video decoder 200 through its synthesizer 209 combines the video signal, OSD data (So), Broadcast Wave Information (Sb), and the additional information (Ss) received along with the video signal and outputs the combined signal as a video signal output (see Figs.1,2,7 and 8). Yamada et al does not specifically disclose a selector to select at least one from the various signals received. However, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Yamada et al. by providing a selector or a switch within the decoder so that the user/viewer would have a choice of selecting, for example, either the OSD data and the video data, the broadcast wave information and the video data, or the additional information (which could be information such as caption, subtitles or other text) and the video data, instead of compelling the user to view all received signals, because the viewer may not want to view all such additional information superimposed with the video signal at all time.

Art Unit: 2614

Considering claim **15**, the output information control method according to claim 11, further comprising the step of decoding the added information signal so as to generate the added information, wherein said information output step includes the step of selecting and outputting at least one from among the generated added information and the stored associated information.

Regarding claim 15, see rejection of claim 5

5. Claims **4, 14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada, U.S. Patent No. **6,288,750** in view of Branscomb, U.S. Pat. No. 5,684,514.

Considering claims 4 and 14, the claimed wherein an associated information stored in an associated information storage means is subdivided into a plurality of pieces of information to each of which a number identifying a corresponding part of the display video signal is assigned;

Regarding claims 4 and 14, Yamada does not specifically disclose subdividing the information in the storage means into plurality of pieces of information. However, dividing information for storage is notoriously well known in the memory/storage art. In that regard, Branscomb discloses an apparatus and method for assembling content addressable video "based on storing a plurality of frames of video data at addressable storage locations. Each frame of video data is stored with a tag which indicates the contents of the video image defined by the associated frame." (see abstract)

Art Unit: 2614

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Yamada et al. by providing the method of content addressable storage of Branscomb so that any of the associated data stored in the memory RAM 202 or the main memory storage may be identified, tagged and retrieved separately requiring less processing time as well as taking less RAM space.

Response to Arguments

6. Applicant's arguments filed 16 June 2004 have been fully considered but they are not persuasive. Applicant argues that Yamada fails to disclose, at least, "an associated information storage means for storing associated information independent from, and interchangeable with the added information", and "storing information independent from, and interchangeable with the added information." Applicant also argue that Kirkland fails to cure the deficiencies of Yamada in that Kirkland fails to teach or suggest, at least an associated information storage means for storing associated information independent from, and interchangeable with the added information", and "storing information independent from, and interchangeable with the added information." Applicant further repeats substantially the same argument against the reference of Branscomb.

Examiner submits that Yamada does not preclude the additional information Ss and the OSD data So stored in work RAM 202 from being interchangeable. (The information Ss and So are certainly independent from each other) Nowhere does

Art Unit: 2614

Yamada disclose these additional information may not be interchangeable. In fact, since the OSD data can be both text or image/graphics, there is not reason such data cannot be interchangeable with the additional info such as CGMS data. Furthermore, the Examiner submits that the claims do not recite that because the data is NOT based upon the data that is multiplexed with the incoming video stream, as alleged by Applicant in Yamada, the data is independent, etc. Given a reasonably broad interpretation therefore the Additional information stored in 202 and additional information inputted from outside source (Ss) may be interchangeable and the argument against it is not persuasive.

The argument against the reference of Kirkland is moot. The rejections of claims 6-8 and 16-18 have been withdrawn.

As to the arguments against Branscomb, Examiner submits that Applicants cannot shows non-obviousness by attacking references individually where, as here, the rejections are based on combination of references. In re Keller, 208, USPQ 871 (CCPA 1981) Furthermore, it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971) Hence, Applicant's argument that Branscomb does not disclose an associated information storage means for storing associated information independent from, and

interchangeable with the added information...and storing information independent from, and interchangeable with the added information, is unpersuasive.

Allowable Subject Matter

7. Claims **6-8** and **16-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose an output information control device comprising, an information translation means for translating the associated information stored in the associated information storage means into translation information written in a different language, and a translation information storage means for storing the translation information generated by said information translation means, as in claims **6** and **16**;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN
April 12, 2005



PAULOS M. NATNAEL
PATENT EXAMINER